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United Nations Relief and Works Agency for Palestine Refugees in the Near East

Palestine refugees' properties and their revenues

Report of the Secretary-General

1. The present report is submitted in pursuance of General Assembly resolution 51/129 of 13 December 1996, entitled "Palestine refugees' properties and their revenues", the operative paragraphs of which read as follows:

> "*The General Assembly*,
>
> "...
>
> "1. *Reaffirms* that the Palestine Arab refugees are entitled to their property and to the income derived therefrom, in conformity with the principles of justice and equity;
>
> "2. *Requests* the Secretary-General to take all appropriate steps, in consultation with the United Nations Conciliation Commission for Palestine, for the protection of Arab property, assets and property rights in Israel and to preserve and modernize the existing records;
>
> "3. *Calls once more upon* Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution;
>
> "4. *Calls upon* all the parties concerned to provide the Secretary-General with any pertinent information in their possession concerning Arab property, assets and property rights in Israel that would assist him in the implementation of the present resolution;
>
> "5. *Urges* the Palestinian and Israeli sides, as agreed between them, to deal with the important issue of Palestine refugees' properties and their revenues in the framework of the final status negotiations of the Middle East peace process;
>
> "6. *Requests* the Secretary-General to report to the General Assembly at its fifty-second session on the implementation of the present resolution."

2. On 7 May 1997, the Secretary-General transmitted to the Government of Israel the text of General Assembly resolutions 51/124 to 51/130 of 13 December 1996, with the request that it inform him by 15 June 1997 of any steps it had taken or envisaged taking in implementation of the relevant provisions of the resolutions.

3. Also on 7 May, the Secretary-General sent a note verbale to all other Member States, drawing their attention to the relevant provision of resolutions 51/124 to 51/130, including paragraph 4 of resolution 51/129, and requesting information by 15 June 1997 concerning any action taken or envisaged in relation to their implementation.

4. A reply dated 28 July 1997 was received from Israel, covering various aspects of resolutions 51/124 to 51/130. The text reads as follows:

> "Israel's position on these resolutions has been set forth in successive annual replies submitted to the Secretary-General in recent years, the latest of which

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being Israel's note verbale dated 3 May 1993. Israel regrets the fact that the resolutions regarding the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) remain rife with political issues irrelevant to the work for which UNRWA is responsible, and thus remain detached from the new reality in the area. Accordingly, Israel abstained on resolution 51/127 and voted against resolutions 51/124, 51/126, 51/128, 51/129 and 51/130.

"The agreements between Israel and the Palestinians mark significant progress in the framework of the peace process. Israel believes that this process is the only way to achieve historic reconciliation and lasting peace between the two sides. However, for this process to succeed, it is imperative that both sides abide by their commitments made under the agreements signed by them. Israel calls upon the Palestinian side to live up to its commitments and resume its participation in the negotiations on all outstanding interim matters and on permanent status issues.

"Israel believes that UNRWA can play an important role in promoting the social and economic advancement foreseen in the agreements between Israel and the Palestinians, within the limits of its humanitarian mandate, and accordingly looks forward to continuing the cooperation and good working relationship with UNRWA.

"In the light of the above, Israel considers it essential that the General Assembly consolidate the resolutions regarding UNRWA into one resolution directly related to the Agency's humanitarian tasks. This would also be compatible with the necessity to rationalize the work of the General Assembly."

5. Earlier, on 6 March 1997, the Secretary of the United Nations Conciliation Commission for Palestine had addressed a letter to the Chairman and members of the Commission bringing to their attention General Assembly resolution 51/129 and, in particular, its paragraph 2.

6. On 30 June 1997, the Chairman of the Commission, in a letter to the Secretary-General, indicated that its members, at a meeting held on 13 June 1997, had taken the following decisions:

(a) The Commission noted that the Permanent Representative of Indonesia to the United Nations had interpreted paragraph 2 of resolution 51/129 as meaning that the data should be stored electronically. It also noted that the Division for Palestinian Rights would be prepared to take care of that task. It further noted that the Chairman of the Fourth Committee had indicated that resolution 51/129 had no financial implications;

(b) The Commission was of the opinion that the proposed operation should be carried out within the Archives and Records Management Section of the Office of Conference and Support Services;

(c) The Commission also believed that the operation should be financed by the Division for Palestinian Rights inasmuch as that Division appeared to have offered to do so.

7. In reply to the above letter, on 5 August 1997, the Under-Secretary-General for Political Affairs addressed a letter to the Chairman, requesting that the Commission authorize the Division for Palestinian Rights to have access to the records in question for the purpose of undertaking a preliminary assessment of the resources that would be needed if the Division were to assist in the implementation of the mandate.

8. In response, the Chairman of the Commission indicated in his letter dated 10 September 1997 that the members had agreed to authorize a designated delegation from the Division for Palestinian Rights to have access to the land records at the United Nations Archives for a cost-estimate of the project to modernize the records in accordance with the terms stated in the letter dated 30 June 1997.